

LAGARDE REPORTS PAYING EX-POLICE CHIEF \$30,000

But No Money to Those in Garrison Case

By DON HUGHES
and JOHN McMILLAN

A partner in TAC Amusement Co. testified in U.S. District Court here Wednesday that he paid then-New Orleans Police Supt. Joseph I. Giarrusso \$30,000 in six installments between 1968 and 1970.

Lawrence Lagarde, who owns TAC Amusement Co. with John Elms Jr., said the payments were started by the late John "Tac" Elms Sr. Lagarde said he was informed of the deal by Tac Elms in the summer of 1968 shortly before the senior Elms died.

The testimony came in the trial of New Orleans Dist. Atty. Jim Garrison and pinball operators John Aruns Callery and Robert Nims who are charged with giving and paying bribes in a conspiracy to protect illegal pinball gambling.

Lagarde and Nims were charged in the case, but Lagarde was granted a separate trial and Elms pleaded guilty.

Others who pleaded guilty or were severed were John Elmo Pierce, the owner of Pierce Amusement Co.; Frederick Soule, a former police captain; Robert Frey, a former police sergeant who headed the vice squad; Louis Boasberg, the owner of New Orleans Novelty Co.; and Harby Marks Jr., an employee of Boasberg's.

The testimony about Giarrusso was brought out during cross-examination of Lagarde by Fred Barnett, one of Garrison's attorneys.

Lagarde testified that he had made six \$5,000 payments but not to any defendants in the trial.

Barnett asked Lagarde who got the money. Lagarde's face flushed, and he looked down.

He then asked United States District Judge Herbert W. Christenberry whether he had to answer the question.

"Yes, you have to answer the

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question," the judge replied.

"Who was it?" Barnett asked.

"A former city official," Lagarde replied.

"Did he have a name?"

"Yes."

"What is it?"

"Joe Giarrusso," Lagarde said softly.

He said the money "was sent in a package by a messenger."

Lagarde testified that, after Tac Elms died, Callery came by to see him and inquired as to whether "I was aware of the arrangement" which Tac Elms had with Giarrusso.

Lagarde said that he was aware of it and would honor it.

Lagarde said he made a \$5,000 payment to Giarrusso in December of 1968, four \$5,000 payments in 1969 and one in 1970.

He said he told the U.S. attorney about the payments only a week ago.

Lagarde said that when he talked with Callery, Callery mentioned that payments were also being made to the police vice squad and "the big man on Tulane Avenue."

Another name not previously mentioned in the trial came out of a taped conversation between Boasberg and Pershing Gervais. It was former state Rep. Salvador Anzelmo.

Boasberg was talking about payoffs with Gervais, who worked in an undercover capacity for the government in developing the case against the defendants.

Boasberg told Gervais: "Now, to get back to this other matter . . . I went to John (Elms) Jr., and I said, John, I went to him Sunday before last at his house. and I said, John, now you take this number and I said, you told me three or four

weeks ago you were gonna talk personally, you were going to talk through Sal, or talk to Sal to . . ."

Gervais: "Uh-huh."

Boasberg: "Take you out there. He said, 'Oh, no, I never' did make that appointment; I said, 'Well, now, look, you got to take care of this matter, because I'm taking care of the other . . .'"

Gervais: "You mean by Sal, Sal Anzelmo?"

Boasberg: "Sal Anzelmo."

Gervais: "He's going to bring him to Garrison, not me."

Boasberg: "Yeah, that's right."

Gervais: "Oh, yeah."

Boasberg: "That's right, to Garrison, not to you."

Gervais: "Anzelmo's a goof."

While under cross-examination by Louis LaCour — Nims' attorney — Lagarde said that he did not attend a meeting of pinball dealers in which arrangements were made to collect bribe money as Pierce testified earlier in the trial.

And he said that he never gave any money to either Nims or Garrison.

Lagarde said that, after he stopped making payments to Giarrusso, he did make several more payments to Boasberg which were to be used for protection.

Finally, Lagarde said he refused to make any more payments but Boasberg got a commitment from the younger Elms for another \$1,000. He added:

"I went to Boasberg's office and got verbally abusive with him. I told him John was a young boy and not to bother him. I had already told him not to. Since John had made a commitment I gave him \$500. I threw it on his desk and left."

He said he later made two \$300-a-month payments to Boasberg, the last one in May of 1971.

Later in the conversation with Boasberg, Gervais talked about getting some money for payoffs, even if less than it had been.

The tapes of the conversation said in part:

Gervais: "I am sure. I am sure that Jim's going to grab anything he can get whether it's chicken feed or not cause he got hit with a tremendous hospital bill."

Boasberg: "Yeah."

Gervais: "You know. I know it was over 10 grand, so I know when I go to him, frankly, like I told you, and I wasn't . . . you, whatever he would have said. I would have went and present to Jim, said there was more and I would have taken my part out and this was his part."

Boasberg: "Well, I'm going to put it to this boy this way. I'm going to say, now, look, . . . you told me to go ahead and I upheld my end of it, I've already put this out, you have to go back to Jim, you've got to do it now, I promise you that I will go if I have to wait on his doorstep Sunday, Saturday and Sunday."

In yet another Boasberg-Gervais tape of a lengthy conversation recorded Jan. 27, 1971, the two discussed, among other matters, that six of Boasberg's machines recently had been raided by Soule's vice squadmen shortly after Boasberg was unable to "reach a meeting of the minds" on a deal with Soule.

During that discussion, Boasberg insinuated that someone (unnamed) had gone to Mayor Moon Landrieu on behalf of the pinball industry to have a halt put to the raids. A portion of the conversation went as follows:

Boasberg: "Then about three weeks later when I couldn't put the deal together with Freddie. I had six games raided. so, I said the hell with this, so I went to a party that I . . . been very generous with in the campaign. I said, look, what is this . . ."

Gervais: "Uh-huh."

Boasberg: "I said, why am I being singled out?"

Gervais: "Right."

Boasberg: "Course, I surmise that it was, it was, came from Freddie to say 'hurry up.'"

Gervais: "Yeah."

Boasberg: "So this party, he said, 'I'll find out'."

Gervais: "Uh-huh."

Boasberg: "Well, they hadn't done anything since so I think he did raise hell."

Gervais: "Uh-huh."

Boasberg: "I think he raised hell with the mayor."

Later in that conversation, Boasberg and Gervais were discussing possible methods of preventing the Legislature from outlawing pinball machines in the state.

The two talked about the possibility of Garrison exerting influence with then-Gov. John J. McKeithen (not mentioned by name), a close friend of Garrison.

An excerpt of that discourse follows:

Gervais: "Uh-huh. You feel confident the governor's going to crush it?"

Boasberg: "Definitely. That's what D. Planter told me. Positively."

Boasberg: "Hell no. It's a question of the governor, Pershing. That's the main thing, the governor."

Gervais: "The only man I know can squeeze him is the Giant."

(Soule testified in court Tuesday that Garrison is frequently referred to as "the Giant" or "the Jolly Green Giant.")

Boasberg: "Yes he can, he really can."

Gervais: "Uh-huh. The only guy out of all ... he's the only man I know could squeeze him."

In his Wednesday morning testimony under questioning from Garrison attorney Louis Merhige, Soule agreed that Gervais could correctly be described as "a shakedown artist."

Soule said that at times he would notify Gervais of a particular case in which police provided the District Attorney's office insufficient evidence to prosecute. Gervais, in turn, would contact the arrested person (who did not yet know his case would be not pressed) and would shake him down by telling him that for a certain amount of money he could see to it that the case would not go to trial.

Soule said that the person, generally someone arrested in a gambling case but sometimes for another offense, often would pay Gervais and that Gervais

then would give Soule a cut of this shakedown money.

Police recruits, who had not yet attended the police academy, occasionally were assigned to Soule's department when he was vice squad commander.

Soule said that, when these recruits were sent out in plain clothes to try to uncover pinball payoffs, he would inform John Elmo Pierce, owner of Pierce Amusement Co. and a confessed participant in the bribery scheme, of the recruits' descriptions and locations they would visit to play machines. In turn, Soule added, Pierce would pass the word along to other pinball operators and subsequently to location owners to be cautious in their payoffs that night.

During about 18 months that he was assigned to the district attorney's office, Soule testified, most persons who were arrested for illegal pinball gambling simply pleaded guilty and paid their fine.

However, of those who did not, Soule said he recalled that the percentage of cases prosecuted rather than not pressed "was rather high." He added that he knows of "no cases of favoritism" by the district attorney's office in the prosecution of pinball cases.

After establishing that Garrison personally did not prosecute gambling cases but rather delegated this duty to assistant district attorneys, Merhige asked Soule if he had ever paid an assistant district attorney or arranged to have a case fixed with an assistant district attorney in charge of vice case prosecutions.

"Absolutely not," Soule replied. "They were all very fine young men."

Under questioning by LaCour, Soule said he met Nims only once, Oct. 4, 1970. He testified that that meeting was among Callery, Nims and himself, and was the first of its kind for Soule at which a third party (Nims) was present.

Callery told Soule earlier that Nims wanted his company to be represented in the early warning protection plan and wanted to work out details of his payments. Soule told Callery this would be okay, and Nims met that once with them, Soule said,

The only other morning tes-

timony came from Marks, who replied to questions asked him after each of three tape recordings which he agreed were true conversations between himself and Gervais made at the Fontainebleau Motor Hotel in 1971.

In addition to his comments on the recordings, Marks said he knew Soule for about 25 years and received telephone calls from him in 1970 and 1971 in which Soule asked him to tip off Boasberg of the time and location of certain planned pinball gambling checks to be made by vice squad officers.

Marks said he twice delivered envelopes to Soule from Boasberg, but he did not know their contents.

Taped conversations between Marks and Gervais also concerned pinball payoffs, the first being made March 8, 1971, in Room 874 of the Fontainebleau. The sound of rustling paper was audible on the recording as Ger-

vais opened an envelope delivered by Marks and counted to 20.

The second tape played Wednesday as evidence was said by the prosecution to have been recorded May 3, 1971, again with the sound of Gervais counting up to 80 and then saying "Two thousand." Marks said in court that he saw Gervais counting the money sent through him by Boasberg.

The third and final alleged payoff meeting between the two came June 29, 1971, the day before Garrison, Soule, Frey, Marks and others named in the federal conspiracy indictment were arrested. Once again the rustle of money was audible, and Gervais counted to 20.

It was stated in earlier testimony that payments to Gervais were usually of \$2,000 each, mostly in \$100 bills.

The trial will resume at 10 a.m. Thursday with Boasberg on the stand.